

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

JAMES M. RASH,

Plaintiff,

V.

MICHAEL O'BRIEN, et al.,

Defendants.

CASE NO. 5:09 CV 1698

JUDGE JOHN R. ADAMS

MEMORANDUM OF OPINION  
AND ORDER

On July 22, 2009, plaintiff *pro se* James M. Rash, an inmate at the Allen Correctional Institution, filed this civil rights action against Detective Michael O'Brien, Prosecutor John Anthony, Attorneys Pam Conger and Tom Borcoman, and Judge Sheila Farmer. The complaint asserts that plaintiff's 1989 convictions for aggravated murder and aggravated arson were improper for various reasons, including the placement of an informant near him in county jail, inadequate defense counsel, and inappropriate interrogation techniques. Rash seeks a new trial. For the reasons stated below, this action is dismissed.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; *Siller v. Dean*, No. 99-5323, 2000 WL 145167, at \*2 (6th Cir. Feb. 1, 2000).

Plaintiff is essentially challenging the validity of his state conviction and his present confinement. When a prisoner challenges “the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus.” *Preiser v. Rodriguez*, 411 U.S. 475, 501

(1973).

Accordingly, this action is dismissed under 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: September 25, 2009

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE